IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE S.ANANDA REDDY

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WRIT PETITION NO: 12780 of 2005

Between:

Katu Bheemaiah, S/o.Rajaiah @ Rajam,
R/o.Nelki Venkatapur Village,

Dandepalli Mandal, Adilabad District.

..... PETITIONER

AND

1 The District Collector, Adilabad, Adilabad District.
2 The Agent to the Government and Project officer,

ITDA, Utnoor, Adilabad District.
3 The Special Deputy Collector,

(Tribal Welfare) Utnoor, Adilabad Dist.
4 The Mandal Revenue officer,

Dandepalli Mandal, Adilabad District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a writ in the nature of Mandamus declaring the action of the respondents in trying to dispossess the petitioner from the land to an extent of Ac.1.70 gts. in Sy.no.317 of Nelki Venkatapur village of Dandepalli Mandal, Adilabad District in pursuance of the orders passed by the 3rd respondent in case No.TWA1/45/2004, dated 29-12-2004 as illegal, arbitrary and unjust and consequently, direct the respondents not to dispossess the petitioner

from the above land pending disposal of the statutory appeal preferred before the 2nd respondent in the interest of justice.

Counsel for the Petitioner: MR.S.SURENDER REDDY

Counsel for the Respondents: GP FOR SOCIAL WELFARE

The Court at the stage of admission made the following:

ORDER:

This writ petition is filed by the petitioner aggrieved by the inaction of the second respondent in passing orders on the interim application filed before him along with the main appeal, which was filed against the order of the third respondent, who ordered ejectment of the petitioner.

2. According to the petitioner, he is the owner and possessor of Ac.01-70 gts. of land in Sy.No.317 of Nelki Venkatapur village, Dandepalli Mandal, Adilabad District. The third respondent initiated proceedings at the instance of a third party alleging that the petitioner, who is a non-tribal, is in possession of the land in contravention of the Regulations i.e., A.P. Scheduled Area Land Transfer Regulation, 1959 (for short 'the Regulations'). The third respondent, therefore, took up the matter and after conducting necessary enquiry, passed orders on 29-12-2004 holding that the petitioner is in possession of the land in contravention of the Regulations, and accordingly ordered ejectment of the petitioner and to restore the land to the Government custody. Aggrieved by that, the petitioner filed an appeal before the second respondent, the agent to the Government, along with an interim application seeking to re-deliver the possession of the land pending disposal of the appeal. As no orders have been passed in the said interim application, the petitioner has come up with the present writ petition.

3. Heard both sides and considered the material on record.

4. At the time of argument, the learned counsel for the petitioner contended that the petitioner is in possession of the land and the 4th respondent is trying to interfere and dispossess the petitioner by virtue of the orders of the third respondent. Therefore, sought for stay of dispossession.

5. The learned Government Pleader brought to the notice of this Court that the petitioner himself filed an interim application before the appellate authority seeking a direction to the Mandal Revenue Officer to deliver back the possession of the land in question. In the light of the relief sought for before the appellate authority, the learned Government Pleader contended that the petitioner is not in possession of the land. Therefore, he is not entitled to for any order to protect his alleged possession.

6. In view of the interim relief sought for by the petitioner himself before the appellate authority of re-delivery of possession of the land, this Court cannot give any positive orders against the respondents not to dispossess the petitioner.

7. In the above circumstances, this writ petition is disposed of directing the appellate authority, the second respondent herein, to dispose of the appeal expeditiously, preferably, within a period of six weeks from the date of receipt of a copy of this order.

8. Accordingly, the writ petition is disposed of. No order as to costs.

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S.ANANDA REDDY, J

16th June, 2005

Note:

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Furnish C.C. within three days.

B/o.

SKM

To

1 The District Collector, Adilabad, Adilabad District.
2 The Agent to the Government and Project officer,

ITDA, Utnoor, Adilabad District.
3 The Special Deputy Collector,

(Tribal Welfare) Utnoor, Adilabad Dist.
4 The Mandal Revenue officer,

Dandepalli Mandal, Adilabad District.

5. Two CCS to the G.P for Social Welfare,

High Court Buildings, High Court of A.P.,

Hyderabad. (O.U.T.)

6. Two CD copies